

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DAVID PULKRABEK, BARBARA
RAINEY, ANDREW SCHWAB,
WESLEY DICKMAN, and WHITNEY
DICKMAN, on their own behalf and on
Behalf of a class of similarly situated
individuals,

Plaintiffs,

V.

TOYOTA MOTOR SALES, U.S.A., INC.
and TOYOTA MOTOR NORTH
AMERICA, INC.,

Defendants.



Case No. 2:20-cv-00036-JRG-RSP


ORDER

Defendants Toyota Motor Sales, U.S.A., Inc. (“TMS”) and Toyota Motor North America, Inc. (“TMNA”) (collectively, “Toyota”) previously filed a Motion to Dismiss Plaintiff’s First Amended Complaint and Brief (Dkt. No. 25.) Magistrate Judge Payne entered a Report and Recommendation, recommending denial of Toyota’s Motion to Dismiss Plaintiff’s First Amended Complaint and Brief (Dkt. No. 48). Toyota has now filed Objections (Dkt. No. 49).

After conducting a *de novo* review of the briefing on the Motion to Dismiss Plaintiff’s First Amended Complaint and Brief, the Report and Recommendation, and Toyota’s Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** Toyota’s Objections and **ADOPTS** the Report and Recommendation and orders that the Motion to Dismiss Plaintiff’s First Amended Complaint and Brief (Dkt. No. 25) is **DENIED**.

So Ordered this

Mar 30, 2021



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE